

REMARKS

Claims 17-18, 20-32, and 34-41 are currently pending in the application. Claims 1-16 were previously cancelled. Claims 19 and 33 have been withdrawn by the Examiner and are hereby cancelled without prejudice. Claims 17 and 32 have been amended. Support for the amendment to Claims 17 and 32 can be found at least on page 11, lines 7-9. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

Specification

The Examiner indicated that the specification includes the use of trademarks TEFLON and DACRON.

Applicants have amended the specification to include the generic terminology associated with these marks.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 17, 23, 27-32, 36, and 41 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,275,731 ("Jahn") in light of U.S. Patent No. 6,544,751 ("Brandwein").

Jahn does not disclose the subject matter of amended independent Claim 17. More specifically, Jahn does not disclose a device for use in axial centrifugation including a viscoelastic medium separating the primary chamber from the secondary chamber, the device being used in axial centrifugation.

Rather, Jahn discloses a porous partition body 7 secured to a seal 4 of an attachment 8. The attachment 8 is adapted to fit on the open end of a standard collection tube. The porous partition body 7 is operable to selectively pass fluid fractions with particles below a given threshold size. The porous partition body 7 is secured to the seal 4 and is immovable, i.e., it is not viscoelastic.

For at least these reasons, Jahn does disclose the subject matter of amended independent Claim 17. Accordingly, independent Claim 17 is allowable. Claims 18 and 20-31 depend from independent Claim 17 and are allowable for the same and other reasons.

Jahn does not disclose the subject matter of amended independent Claim 32. More specifically, Jahn does not disclose a device for use in axial centrifugation including a viscoelastic medium separating the first chamber from the second chamber, the device being used in axial centrifugation.

Rather, Jahn discloses a porous partition body 7 secured to a seal 4 of an attachment 8. As noted above, the porous partition body 7 is secured to the seal 4 and is immovable, i.e., it is not viscoelastic.

For at least these reasons, Jahn does disclose the subject matter of amended independent Claim 32. Accordingly, independent Claim 32 is allowable. Claims 34-41 depend from independent Claim 32 and are allowable for the same and other reasons.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 17-18, 20, 22-32, 34, 36, and 40-41 under 35 U.S.C. § 103 as being unpatentable over Jahn in view of U.S. Patent No. 5,667,963 ("Smith").

As noted above, Jahn does not teach or suggest the subject matter of amended independent Claim 17. Smith does not cure the deficiencies of Jahn. Although Smith discloses the use of a thixotropic gel in a container, the disclosures of Jahn and Smith cannot be combined.

If the porous partition body 7 of Jahn was replaced with the thixotropic gel of Smith, the Jahn device would fail to operate according to its intended use. In Jahn, the blood components are separated using centrifugation. Certain blood components pass through the porous partition body 7, which is stationary and immovable. In contrast, if the thixotropic gel were used, portions of the thixotropic gel would enter the upper chamber and the lower chamber during centrifugation thereby preventing proper separation and use of the desired blood components.

For at least these reasons, Jahn and Smith do not teach or suggest the subject matter of amended independent Claim 17. Accordingly, independent Claim 17 is allowable. Claims 18 and 20-31 depend from independent Claim 17 and are allowable for the same and other reasons.

As also noted above, Jahn does not teach or suggest the subject matter of amended independent Claim 32. Smith does not cure the deficiencies of Jahn. Although Smith discloses the use of a thixotropic gel in a container, the disclosures of Jahn and Smith cannot be combined because the combination would render Jahn to fail to operate according to its intended use.

For at least these reasons, Jahn and Smith do not teach or suggest the subject matter of amended independent Claim 32. Accordingly, independent Claim 32 is allowable. Claims 34-41 depend from independent Claim 32 and are allowable for the same and other reasons.

The Examiner rejected Claims 17-18, 20-32, 34-36, and 40-41 as being unpatentable over Jahn in view of Smith, and further in view of U.S. Patent No. 6,114,135 ("Goldstein").

As noted above, Jahn and Smith do not teach or suggest the amended subject matter of independent Claim 17. Goldstein does not cure the deficiencies of Jahn and Smith. Goldstein does not teach or suggest a device for use in axial centrifugation including a viscoelastic medium separating the primary chamber from the secondary chamber, the device being used in axial centrifugation. Rather, Goldstein discloses a system for determining which coagulation promoting substance will best restore proper coagulation function in a patient's blood.

For at least these reasons, Jahn and Smith do not teach or suggest the subject matter of amended independent Claim 17. Accordingly, independent Claim 17 is allowable. Claims 18 and 20-31 depend from independent Claim 17 and are allowable for the same and other reasons.

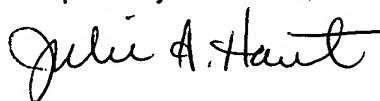
As also noted above, Jahn and Smith do not teach or suggest the amended subject matter of independent Claim 32. Goldstein does not cure the deficiencies of Jahn and Smith. Goldstein does not teach or suggest a device for use in axial centrifugation including a viscoelastic medium separating the first chamber from the second chamber, the device being used in axial centrifugation.

For at least these reasons, Jahn and Smith do not teach or suggest the subject matter of amended independent Claim 32. Accordingly, independent Claim 32 is allowable. Claims 34-41 depend from independent Claim 32 and are allowable for the same and other reasons.

CONCLUSION

In view of the foregoing, allowance of Claims 17-18, 20-32, and 34-41 is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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